

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 6/15/05 - MAR

Division: County Attorney

Bulk Item: Yes X No

Staff Contact Person: Suzanne Hutton

AGENDA ITEM WORDING:

Approval of a Resolution authorizing a transfer of real property (bay bottom adjacent to Yacht Club) to the City of Marathon pursuant to an Inter-Local Agreement and authority for Mayor to execute deed.

ITEM BACKGROUND:

Issues regarding the County's title to the bay bottom have now been satisfied as the deed from the State of Florida transferring the property to the County has been located. The City of Marathon, via their Resolution No. 2005-019, have requested the transfer now be completed.

PREVIOUS RELEVANT BOCC ACTION:

On May 16, 2001 the Board entered into a Memorandum of Understanding with the City of Marathon which included the transfer of the Marathon Yacht Club and the contiguous submerged land.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No X

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty JB OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John R. Collins 05/09/05

John R. Collins, County Attorney

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

Resolution No. _____ -2005

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA, AUTHORIZING A TRANSFER OF REAL
PROPERTY TO THE CITY OF MARATHON PURSUANT TO AN
INTERLOCAL AGREEMENT.**

WHEREAS, on May 16, 2001, the Board of County Commissioners for Monroe County entered into a memorandum of understanding with the City of Marathon which included, in item 3.c, a transfer of the Marathon Yacht Club and the contiguous submerged land; and

WHEREAS, prior to the proposed transfer, questions arose regarding the County's title to said bay bottom; and

WHEREAS, the deed from the State of Florida transferring the property to the County has been located; and

WHEREAS, the City Council for the City of Marathon has requested via Resolution No. 2005-019, a copy of which is attached hereto as Exhibit B, that the transfer be completed; now therefore

**BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA:**

1. Monroe County shall transfer to the City of Marathon that parcel of submerged land described in Exhibit A, attached hereto and incorporated herein by reference.
2. The Mayor is authorized to execute a quitclaim deed transferring said property.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting of said board held on _____, 2005.

Mayor Dixie M. Spehar _____
Mayor Pro Tem McCoy _____
Commissioner Nelson _____
Commissioner Neugent _____
Commissioner Rice _____

(seal)
Attest: Danny L. Kolhage, Clerk

Board of County Commissioners
of Monroe County Florida

By _____
Deputy Clerk

By _____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

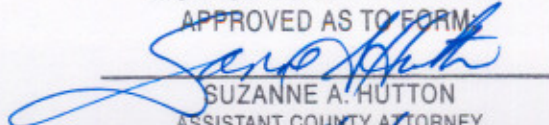

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 4/15/05

EXHIBIT A

“MARATHON YACHT CLUB BAY BOTTOM” LEGAL DESCRIPTION

A parcel of submerged land being a portion of the “Greater Marathon Chamber of Commerce Site” as more particularly described as follows:

All the riparian rights and submerged lands in Lot Three (3), Section Ten (10), Township Sixty-six (66) South of Range Thirty-two (32) East adjoining the Marathon Yacht Club Site as described in Exhibit A-1, attached hereto and incorporated herein by reference, and extending therefrom to the adjacent channels, as previously transferred from the Florida East Coast Railway Company to the State of Florida in Monroe County Deed Record G-6, pages 46 to 55, and thereafter conveyed to Monroe County by warranty deed recorded in the Official records of Monroe County in OR Book 15, pages 374 through 376.

**LEGAL DESCRIPTION
MARATHON YACHT CLUB**

A parcel of land being a portion of the "Greater Marathon Chamber of Commerce Site" as described in the attached legal description, said parcel of land being more particularly described as follows:

COMMENCE at the intersection of the East line of said Government Lot 3 of Section 10, Township 66 South, Range 32 East and the centerline of said US Highway No. 1 (State Road No. 5); thence S 74 degrees 20 minutes W along said centerline of US Highway No. 1 for 2642.55 feet; thence N 15 degrees 40 minutes W for 50.00 feet to an intersection with the Northerly right-of-way line of said US Highway No. 1; thence S 74 degrees 20 minutes W along said Northerly right-of-way line for 200.00 feet; thence N 15 degrees 40 minutes W for 440.00 feet; thence N 74 degrees 20 minutes E for 84.00 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence S 74 degrees 20 minutes W along the last described line for 84.00 feet; thence N 15 degrees 40 minutes W for 111 feet more or less to the mean high water line along the Northeasterly shore of the existing yacht basin; thence meander northwesterly along said mean high water line and along the southwesterly face of the existing concrete dock for 300 feet more or less to the Northerly terminus of said concrete dock; thence N 74 degrees 20 minutes E for 84 feet more or less to an intersection with a line bearing N 15 degrees 40 minutes W from the POINT OF BEGINNING; thence S 15 degrees 40 minutes E along said line for 411 feet more or less to the POINT OF BEGINNING.

MONROE COUNTY
OFFICIAL RECORDS

EXHIBIT A-1

Sponsored by: Puto

**CITY OF MARATHON, FLORIDA
RESOLUTION 2005-019**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO TAKE THE NECESSARY STEPS TO COMPLETE THE TRANSFER OF THE BAY BOTTOM ADJACENT TO THE MARATHON YACHT CLUB TO THE CITY

WHEREAS, the City of Marathon, Florida (the "City") and Monroe County (the "County") have entered into an interlocal agreement to transfer title of the Marathon Yacht Club (the "Club") to the City; and

WHEREAS, the County transferred the Club land, however the bay bottom adjacent to the Club was unintentionally omitted; and

WHEREAS, the City now wishes to complete the transaction.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

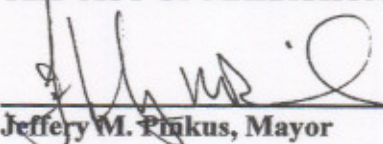
Section 1. The above recitals are true and correct and incorporated herein.

Section 2. The City Manager and the City Attorney are authorized to take all steps necessary to accept the transfer of title to the bay bottom adjacent to the Marathon Yacht Club.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Marathon, Florida, this 22nd day of February, 2005.

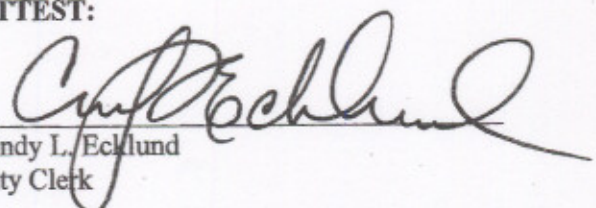
THE CITY OF MARATHON, FLORIDA



Jeffery M. Pinkus, Mayor


AYES:	Bartus, Bull, Mearns, Miller, Pinkus
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:


Cindy L. Ecklund
City Clerk

(City Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:


City Attorney

This instrument prepared by,
or under the direction of,
Suzanne A. Hutton, Esq.
FBN 336122
Office of County Attorney
P.O.Box 1026
Key West, FL 33041-1026

QUITCLAIM DEED

THIS INDENTURE, Made this _____ day of _____, 2005, by and between **MONROE COUNTY**, Party of the First Part, by and through the Board of County Commissioners of Monroe County, Florida, whose address is 500 Whitehead Street, Key West, Florida 33040, to the **CITY of MARATHON**, Party of the Second Part, an municipal corporation of the State of Florida.

WITNESSETH

WHEREAS, on _____ the parties entered into an interlocal agreement providing in part that the Party of the First Part would transfer to the Party of the Second Part the bay bottom adjacent to the Marathon Yacht Club;

WHEREAS, Party of the Second Part has formally requested that the transfer be processed; and

WHEREAS, Party of the First Part has determined that it does not require the area requested for any public purpose;

NOW, THEREFORE, **THIS INDENTURE WITNESSETH**: That the Party of the First Part, in consideration of promises contained in the above-reference interlocal agreement, does hereby remise, release and quitclaim unto the Party of the Second Part, and assigns, forever, all the right, title and interest of the Party of the First Part to the property herein described all that certain land situate in _Monroe County, Florida, to wit:

See Legal Description in Exhibit A, attached hereto and incorporated herein by reference

TO HAVE AND TO HOLD, the said premises and the appurtenances thereof unto the Party of the Second Part.

IN WITNESS WHEREOF, the Party of the First Part has caused these presents to be signed in its name by its Board of County Commissioners acting by the Mayor of said Board, the day and year first above written.

(OFFICIAL SEAL)

ATTEST:

DANNY L. KOLHAGE

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: _____
Deputy Clerk

By: _____
Mayor

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MONROE COUNTY
OFFICIAL RECORDS

EXHIBIT A-1